IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24888 of 2004

Between:

Choudari Appalanaidu, S/o. Sanyasi Appadu,
R/o. Sainagar, Amadalavalasa, Srikakulam District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Principal Secretary,

Education (P.S), Department, Secretariat Building, Hyderabad.
2 The Commissioner and Director of School Education, Andhra Pradesh,

Hyderabad.

3 The District Educational Officer, Srikakulam.
4 The Manager and Correspondent, Gandhi Dheena Bandhu Ashram U.P.

School, Amadalavalasa, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not considering the candidature of the Petitioner for reappointing as B.Ed.Assistant (Science) in Sri Gandhi Dheena Bandhu Aided Ashram U.P. School Amadalavalasa, the 4th Respondent herein in the vacancy caused due to the death of J. Samba Murthy is illegal, arbitrary, erroneous, violative of principles of equality and fundamental rights being guaranteed under the Constitution of India and consequently direct the Respondents to reappoint the Petitioner as B.Ed. Assistant (Science) in Sri Gandhi Dheena Bandhu Aided Ashram U.P. School, Amadalavalasa, 4th Respondent herein in the vacancy caused due to the death of J. Sambha Murthy with all

consequential benefits.

Counsel for the Petitioner: MR.Y.V.RAVI PRASAD

Counsel for the Respondents 1 to 3: GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.4.

The Court made the following :

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THE HON'BLE SRI JUSTICE K.C.BHANU

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Writ Petition No.24888 of 2004

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ORDER:

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The main writ petition itself is taken up for disposal at the stage of admission, since the prayer in the main writ petition itself is an innocuous prayer to consider the petitioner's case to re-appoint as B.Ed. Assistant (Science) in the vacant post of the 4th respondent-school, which caused due to the death of one J.Samba Murthy.

Consequent upon the death of its employee J.Samba Murthy, appropriate decision has to be taken by the 3rd respondent in accordance with the rules and regulations.

Therefore, the Writ Petition is disposed of with a direction to the 3rd respondent to take appropriate decision in accordance with the rules and regulations and in pursuance of the representation of petitioner dated 08-12-2004, within a period of three months from the date of receipt of a copy of this order. No costs.

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K.C.BHANU, J.

Dated 31-12-2004.

SKMR

To

1 The Principal Secretary, the Government of Andhra Pradesh,

Education (P.S), Department, Secretariat Building, Hyderabad.
2 The Commissioner and Director of School Education, Andhra Pradesh,

Hyderabad.

3 The District Educational Officer, Srikakulam.
4 The Manager and Correspondent, Gandhi Dheena Bandhu Ashram U.P.

School, Amadalavalasa, Srikakulam District.

5. 2CCs to G.P. for School Education, High Court Buildings,

Hyderabad(OUT).

6. 2CD copies